

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

JOHN T. ORE, FRANCIS M. DUNLOP, and
ROBIN E. DUNLOP

SUMMONS IN A CIVIL ACTION

V.
THELONIOUS RECORDS, INC., THELONIOUS
S. MONK, JR. a/k/a T.S. MONK, and PETER G.
GRAIN

CASE NUMBER:

07 CV 10681

TO: (Name and address of Defendant)

Peter G. Grain
4701 Lakeshore Terrace
Fort Gratiot, MI 48059

JUDGE BUCHWALD

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael E. Salzman (MS 6485)
Perla M. Kuhn (PK 9743)
Natasha N. Reed (NR 8761)
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004-1482

Patrick T. Perkins, Esq. (PP 1694)
Perkins Law Office, PC
1711 Route 9D
Cold Spring, NY 10516

Attorneys for John T. Ore

Attorney for Francis M. Dunlop
and Robin E. Dunlop

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Marco Truitt

DATE

NOV 29 2007

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

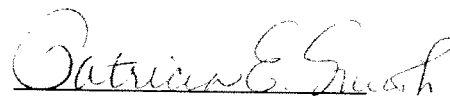
PATRICIA E. SMITH, being duly sworn, deposes and says that I am over the age of eighteen years, not a party to this action, and am in the employ of Hughes Hubbard & Reed LLP, attorneys for Defendants herein; that on the 10th of December, 2007, deponent served the **SUMMONS, COMPLAINT, NOTICE OF LAWSUIT and WAIVER OF SERVICE OF SUMMONS, INDIVIDUAL RULES OF JUDGE BUCHWALD and MAGISTRATE DOLINGER and ECF PROCEDURES AND GUIDELINES** by First Class Mail, true and correct copies being in securely enclosed, postpaid wrapper, properly addressed as indicated below, and by depositing the aforementioned documents in a

depository under the exclusive care and control of the United States Government, within the city, county and state of New York.

TO: Thelonious S. Monk, Jr. , a/k/a T.S. Monk
375 Redmond Road
South Orange, New Jersey 07079

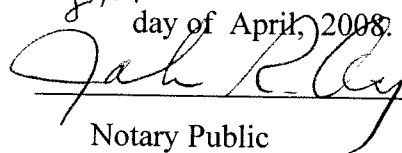
Thelonious Records, Inc.
4701 Lakeshore Terrace
Fort Gratiot, MI 48059

Peter G. Grain
4701 Lakeshore Terrace
Fort Gratiot, MI 48059



PATRICIA E. SMITH

Sworn to before me this

8th
day of April, 2008.

Notary Public

JOHN R. CLANCY
NOTARY PUBLIC, State of New York
No. 01CL6145100
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires May 1, 2011